Reports of Cases

JUDGMENT OF THE GENERAL COURT (Second Chamber, Extended Composition)

17 December 2025*

(Law governing the institutions – Implementing Measures for the Statute for Members of the European Parliament – Rules governing expenses and allowances for Members of Parliament – Amendment of the additional voluntary pension scheme – Notice fixing additional voluntary pension rights – Plea of illegality – Acquired rights – Legal certainty – Legitimate expectations – Right to property – Proportionality – Parliamentary independence – Equal treatment – Request that documents be removed from the case file)

In Joined Cases T-620/23 to T-1023/23,

Enrique Barón Crespo, residing in Madrid (Spain), and the other applicants whose names are listed in the annex,[1] represented by J. Martínez Gimeno, X. Codina García-Andrade, F. Díaz-Grande Rojo and S. Fernández Tourné, lawyers,

applicants,

v

European Parliament, represented by N. Görlitz, M. Ecker, J.-C. Puffer and C. Burgos, acting as Agents,

defendant,

THE GENERAL COURT (Second Chamber, Extended Composition),

composed, at the time of the deliberations, of A. Marcoulli (Rapporteur), President, J. Schwarcz, L. Madise, W. Valasidis and L. Spangsberg Grønfeldt, Judges,

Registrar: P. Nuñez Ruiz, Administrator,

having regard to the written part of the procedure, inter alia the decision of 30 November 2023 joining Cases T-620/23 to T-1023/23 for the purposes of the decision closing the proceedings,

further to the hearing on 19 June 2025,

gives the following

* Language of the case: Spanish.

[1] The list of the other applicants is annexed only to the version sent to the parties.

Judgment

1 By their actions under Article 263 TFEU, the applicants, Mr Enrique Barón Crespo and the other applicants whose names are listed in the annex, seek the annulment of the first payment notice of the pension paid to them under the Rules Governing the Additional (Voluntary) Pension Scheme for Members ('the AVPS') applying the Decision of the Bureau of the European Parliament of 12 June 2023 amending the Implementing Measures for the Statute for Members of the European Parliament (OJ 2023 C 227, p. 5; 'the 2023 decision'), and of the subsequent payment notices.

I. Background to the dispute

2 The applicants or their legal successors are former Members of Parliament who belonged and contributed to the AVPS. They began to receive their pension under the AVPS prior to the adoption of the 2023 decision.

3 Article 1 of the 2023 decision introduced a new paragraph 1a in Article 76 of the Implementing Measures for the Statute for Members of the European Parliament, adopted by the Decision of the Bureau of 19 May and 9 July 2008 (OJ 2009 C 159, p. 1; 'the Implementing Measures for the Statute'), applicable as from 1 July 2023, which provides as follows:

'For the pensions which became payable to former Members or other beneficiaries pursuant to Articles 1, 3 and 4 of Annex VII to [the Rules Governing the Payment of Expenses and Allowances to Members of the European Parliament] before 1 July 2023, the amounts due from that day on shall be reduced and adjusted as follows:

(a) the amount of the pension pursuant to Article 2(1) of Annex VII to [the Rules Governing the Payment of Expenses and Allowances to Members of the European Parliament] and the amounts of the maximum and minimum pensions in accordance with Article 2(2) of that Annex shall be reduced by 50%;

(b) the basic salary of a Judge at the Court of Justice of the European Union within the sense of Article 2(1) and (2) of Annex VII to [the Rules Governing the Payment of Expenses and Allowances to Members of the European Parliament] shall be the basic salary on 30 June 2023 and shall not be updated after that date'.

4 The Parliament sent each of the applicants a first payment notice of the pension owing to them under the AVPS applying the provision thus amended of the Implementing Measures for the Statute for Members of the European Parliament referred to in paragraph 3 above, followed by subsequent payment notices ('the contested decisions').

II. Forms of order sought

5 The applicants claim, in their form of order sought as most recently formulated, that the Court should:

– annul the contested decisions;

– order the Parliament to pay the costs.

6 The Parliament contends that the Court should:

– dismiss the action; and

– order the applicants to pay the costs.

III. Law

A. Preliminary considerations concerning the AVPS

7 Until a uniform pension scheme was introduced for all Members of Parliament, pensions were governed by the Rules Governing the Payment of Expenses and Allowances to Members of the European Parliament ('the PEAM Rules'). Members received a pension paid by the Member State for which they had been elected. However, under Article 1(2) of Annex III to the PEAM Rules, where no pension was provided under national arrangements or where the level and/or conditions of such pension were not identical to those applicable to Members of the national parliament of the Member State for which the Member had been elected, he or she could receive a retirement pension or additional retirement pension paid out of the European Union budget, the level and conditions of which were to be identical to those applicable to the pension for Members of the lower house of the parliament of that Member State.

8 Irrespective of the pension described in paragraph 7 above, and due to the strong disparities between national pension schemes, a provisional additional pension scheme, for which all Members were eligible on specific terms, was introduced. Thus, on 12 June 1990, the Bureau of the Parliament ('the Bureau') adopted the Rules Governing the AVPS, which were inserted, *in fine*, in Annex VII to the PEAM Rules. According to Article 1 of that annex, the objective of the AVPS was to ensure, for those choosing to participate in the scheme, and pending the adoption of a single Statute for Members, an additional pension for life. The basis for calculation of the contributions and of the pension amount was 40% of the basic salary of a Judge at the Court of Justice of the European Union. The AVPS was one-third financed through participating members' contributions and two-thirds by the Parliament. It followed a capitalisation model initially founded on an actuarial balance entailing inter alia that a Member's annual contribution corresponded to one-third of the pension rights acquired in the same year, with the contribution from the Parliament covering the remaining two-thirds (see, to that effect, judgment of 18 October 2011, *Purvis* v *Parliament*, T-439/09, EU:T:2011:600, paragraph 45).

9 The Quaestors of the Parliament established an additional pension fund, called the 'Fonds de pension – députés au Parlement européen', in the form of a non-profit-making association ('the Fund'). That fund was entrusted with the task of receiving the contributions from Members and the Parliament, managing those assets and paying the additional pensions. In March 1994, the Fund itself established an open-ended investment company (SICAV) under Luxembourg law, entitled 'Fonds de pension – Députés au Parlement européen, Société d'investissement à capital variable', which held the Fund's investments.

10 The Statute for Members of the Parliament was adopted by Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom) (OJ 2005 L 262, p. 1; 'the Statute'), and entered into force on 14 July 2009, the first day of the seventh parliamentary term. The Statute introduced a final pension scheme for Members. The transitional provisions provide, inter alia, in Article 27(1) of

the Statute, that the Fund established by the Parliament is to be maintained after 14 July 2009 for Members or former Members having already acquired rights or in the process of acquiring rights in that fund. Under Article 27(2) of the Statute, acquired rights and future entitlements are to be maintained in full and the Parliament may lay down criteria and conditions governing the acquisition of new rights and entitlements. Moreover, under Article 27(3) and (4) of that statute, Members already affiliated with the AVPS may no longer, save by way of exception (see paragraph 11 below), acquire any new rights in that fund and it is not open to Members who are first elected as from 2009.

11 Under Articles 73 and 74 of the implementing measures for the Statute, those measures entered into force on 14 July 2009 and, on that same date and subject to transitional provisions, the PEAM Rules ceased to be valid. By way of transitional provisions, Article 76 of the implementing measures for the Statute, in the version thereof applicable on the date of entry into force of the Statute, provides as follows:

'1. The (voluntary) additional old-age pension paid pursuant to Annex VII to the PEAM Rules shall continue to be paid pursuant to that annex to those persons who were in receipt of that pension prior to the date of entry into force of the Statute.

2. The pension rights acquired prior to the date of entry into force of the Statute pursuant to the aforementioned Annex VII shall be maintained. They shall be honoured in accordance with the conditions laid down by that annex.

3. Members elected in 2009:

(a) who were Members during a previous parliamentary term, and

(b) who have already acquired or were in the process of acquiring rights in the additional pension fund, and

(c) in respect of whom the Member State of election has adopted a derogation pursuant to Article 29 of the Statute, or who, pursuant to Article 25 of the Statute, have themselves opted for a national scheme, and

(d) who are not entitled to a national or European pension deriving from the exercise of their mandate as Members of the European Parliament

may continue to acquire new rights after the date of entry into force of the Statute, pursuant to the aforementioned Annex VII.

4. Members must pay their contributions to the [Fund] from their own income.'

12 Thus, the entry into force of the Statute and its implementing measures put an end to the financing of the Fund through contributions, subject to the application of the exception provided for in Article 76(3) of those measures.

13 The provisions relating to the AVPS have been amended on a number of occasions in order to take account of the financial challenges faced by the Fund, which were exacerbated by the effects of the financial crisis of 2007/2008 and the end of the financing of the Fund (save by way of exception) following the entry into force of the Statute and its implementing measures (see paragraph 12 above).

14 Thus, the rate of contributions of Members was increased on a number of occasions, an exceptional contribution to cover the Fund deficit was collected from contributors and the Parliament between 1996 and 1998, the age required to receive the additional pension was raised, the possibility of early retirement at the age of 50 was abolished in 2009, as was the possibility of obtaining a pension payment in the form of capital, and a 5% levy was introduced on all pension payments in respect of pensions payable as from 1 January 2019.

15 In particular, by the 2023 decision, the Parliament raised the retirement age from 65 to 67 and reduced by half not only the additional pension amounts payable as from 1 July 2023, but also that of pensions payable prior to that date, in respect of amounts due as from that date. It thus decided to reduce by half the amounts due under the AVPS paid as from 1 July 2023, irrespective of whether the beneficiaries had acquired their pension rights before or after the adoption of the 2023 decision. The 2023 decision also abolished the updating of pension amounts, which had been done on the basis of the basic salary of a Judge at the Court of Justice of the European Union.

16 The 2023 decision justifies the drastic measures thus adopted by reference to the 'extremely difficult' situation of the Fund, being that, at the end of 2022, assets totalled EUR 52.8 million whilst the yearly pensions to be paid were expected to amount to EUR 22 to 23 million per year up to and including 2030. It provides that the assets of the Fund could already be exhausted in 2024 and would be exhausted in 2025 at the latest, leaving an expected unfinanced actuarial deficit totalling approximatively EUR 310 million. According to the 2023 decision, the measures adopted were aimed at safeguarding the Fund in the short term, resulting in an extension of its lifespan to 2027, and protecting the European taxpayer, with a reduction of deficit of the Fund to approximately EUR 86 million.

B. The Parliament's request to withdraw two documents from the files

17 The Parliament requests that two legal opinions issued by its Legal Service, annexed to the applications, be withdrawn from the case files. They are confidential internal documents the disclosure of which it has not authorised.

18 The applicants object to the Parliament's request. They argue that the two legal opinions from the Parliament's Legal Service thus produced are particularly enlightening. They add that the 2005 opinion forms an integral part of the report of the Board of the Fund that was sent to the Bureau and that, as regards the 2018 opinion, Members of Parliament are entitled to consult any file in the possession of the Parliament or a commission and access to consult that opinion would not have been refused to them.

19 As a preliminary point, it should be borne in mind, on the one hand, that the principle of equality of arms, which is a corollary of the very concept of a 'fair hearing', guaranteed in particular by Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter'), requires that each party must be afforded a reasonable opportunity to present his or her case, including his or her evidence, under conditions that do not place him or her at a substantial disadvantage vis-à-vis his or her opponent. On the other hand, according to well established case-law, the

applicable principle in EU law is that of the unfettered evaluation of evidence, from which it follows that the admissibility of evidence produced in good time can be contested before the European Union Courts only on the ground that it has been improperly obtained (see judgment of 12 July 2022, *Nord Stream 2* v *Parliament and Council*, C-348/20 P, EU:C:2022:548, paragraphs 128 and 129 and the case-law cited).

20 Thus, where evidence has been improperly produced by a party, such as internal documents covered by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), it is necessary to weigh the interests of the respective parties to the proceedings in connection with their right to a fair hearing, taking into account the interests protected by the rules that have been breached or circumvented in obtaining that evidence. Thus, the EU Court must weigh in the balance, on the one hand, the interest of the applicant who produced those items of evidence, having regard, inter alia, to their usefulness for the purposes of assessing the merits of the action brought before it and, on the other hand, the interests of the opposing party which the retention in the file of those items of evidence could specifically and effectively harm (see judgment of 12 July 2022, *Nord Stream 2* v *Parliament and Council*, C-348/20 P, EU:C:2022:548, paragraphs 130 and 131).

21 It is clear from settled case-law that it would be contrary to the public interest, which requires that the institutions should be able to benefit from the advice of their legal services, given in full independence, to allow such internal documents to be produced in proceedings before the Court where their production has not been authorised by the institution concerned or ordered by the Court. By producing such a legal opinion without authorisation, an applicant is confronting the institution concerned, in proceedings concerning the lawfulness of a contested measure, with an opinion issued by its own legal service during the drafting of that measure. In principle, to allow an applicant to put before the Court a legal opinion from an institution the disclosure of which has not been authorised by that institution would be contrary to the requirements of a fair hearing (see judgment of 12 July 2022, *Nord Stream 2* v *Parliament and Council*, C-348/20 P, EU:C:2022:548, paragraphs 136 and 137 and the case-law cited).

22 However, the Court has held that, exceptionally, the principle of openness will be capable of justifying, in judicial proceedings, the disclosure of a document of an institution that has not been released to the public and which contains a legal opinion where that legal opinion relates to a legislative procedure in respect of which enhanced openness is required (see judgment of 12 July 2022, *Nord Stream 2* v *Parliament and Council*, C-348/20 P, EU:C:2022:548, paragraph 138 and the case-law cited).

23 In the present case, first, the two documents in question are opinions drafted by the Parliament Legal Service. The opinion of 15 February 2005, sent to the acting President of the Quaestors responsible for the financial affairs of Members of Parliament, concerns the powers of the Bureau to amend the PEAM Rules. The legal opinion of 3 December 2018 concerns the potential dissolution of the Fund. The header of those documents indicates that they are confidential legal opinions. The documents at issue are, therefore, undeniably legal opinions within the meaning of Article 4(2) of Regulation No 1049/2001.

24 Secondly, it is common ground that the applicants did not seek authorisation from the Parliament to produce the legal opinions in question before the General Court, that the Court did not order the production thereof in the context of the present proceedings and that the Parliament did not disclose them in the context of a public request for access to documents of the institutions

pursuant to Regulation No 1049/2001. The Court accordingly finds that those documents were produced improperly. In that regard, the right granted to Members of Parliament by the internal rules of that institution to consult any file in its possession does not give them the right to produce a confidential document in the context of legal proceedings, without the Parliament's authorisation. Similarly, the facts, relied on by the applicants, that the legal opinion of 15 February 2005 was partially reproduced in various internal documents of the Parliament, and that it is annexed to the report submitted by the Board of Directors of the Fund to the Bureau, have no bearing on the fact that the Parliament did not consent to the disclosure of that opinion to the applicants.

25 Thirdly, the legal opinions in question, although originating from the Parliament, are not related to a legislative process, but rather the Fund scheme, which is not governed by the Parliament in its capacity as legislature.

26 In those circumstances, to retain the legal opinions in question in the case file would harm the Parliament's right to a fair hearing and its interest in receiving frank, objective and comprehensive advice. Furthermore, the applicants' sole interest, however legitimate, of substantiating their line of argument with the support of those opinions does not suffice to justify that harm to the rights and interests of the Parliament, all the more so given that the merits of that argument and therefore the possibility of its succeeding does not depend in any way on the production of those opinions. It must therefore be concluded that the balance of interests, referred to in paragraph 20 above, weighs in favour of the protection of the rights and interests of the Parliament (see judgment of 12 July 2022, *Nord Stream 2* v *Parliament and Council*, C-348/20 P, EU:C:2022:548, paragraph 141 and the case-law cited).

27 Consequently, the Court upholds the Parliament's request for the withdrawal of the legal opinions of 15 February 2005 and 3 December 2018 from the case files. Those two documents will accordingly not be taken into account by the Court.

C. The application for measures of organisation of procedure

28 The applicants request that the Court adopt measures of organisation of procedure ordering the Parliament to produce, first, the complete file relating to the adoption of the 2023 decision, including the related reports and the minutes of all related meetings; second, all technical and actuarial reports of the Parliament relating to the AVPS not already included in the files; and, third, the estimated financial and actuarial cost of the AVPS, from the time of its entry into force and its annual budget cost.

29 The Court adopted measures of organisation of procedure on the basis of Article 89(3)(d) of its Rules of Procedure, in order to request that the Parliament produce the minutes of the meetings of the Bureau of 17 April and 22 May 2023, referred to in recital 2 of the 2023 decision, and the notes of 12 April and 12 May 2023 from the Secretary-General of the Parliament and the annexes thereto, referred to in those minutes. In those circumstances, the Court considers that it has sufficient information from the documents provided by the Parliament and it is not necessary to order that the other evidence and documents requested by the applicants be provided.

D. Substance

30 The applicants submit that the contested decisions are unlawful, on the ground that they are based on the 2023 decision, which is also unlawful inasmuch as it provides for the reduction by half of the pension amounts owing under the AVPS and the abolishment of the updating of that amount ('the two measures at issue').

31 The applicants' sole plea in law, alleging unlawfulness of the 2023 decision comprises five parts, alleging: (i) infringement of Article 27(2) of the Statute and of the Rules of Procedure of the Parliament; (ii) infringement of the principles of legal certainty and protection of acquired rights; (iii) infringement of the essence of the right to property and of the principles of safeguarding Parliamentary independence and equal treatment; (iv) infringement of the principle of proportionality; and (v) infringement of the principle of the protection of legitimate expectations.

32 The Court considers it appropriate to examine not only the second and fifth, but also the third and fourth, parts together, since they are based on infringement of the right to property and infringement of the principles of safeguarding Parliamentary independence and equal treatment.

1. First part: unlawfulness of the 2023 decision due to infringement of Article 27(2) of the Statute and of the Rules of Procedure of the Parliament

33 The applicants submit that the 2023 decision is unlawful on the ground that it affects the pension rights already acquired under the AVPS, contrary to Article 27(2) of the Statute. They submit that that provision was designed to be a 'closure' or 'safeguard' clause aimed at preventing, in principle, changes to acquired rights or future entitlements under the AVPS, prior to the entry into force of the Statute, as opposed to the rights of Members still contributing to the AVPS, which could be amended. That interpretation is confirmed by the sworn statements given by the drafters of that provision and by Article 76 of implementing measures for the Statute. The applicants also dispute the interpretation of Article 27(2) of the Statute given in the case-law, which is not, in any event, applicable to the present cases, as those applicants had acquired their pension rights under the AVPS before the adoption of the 2023 decision. They go on to conclude that, in adopting that decision, the Bureau exceeded its powers under Article 25(2) of the Rules of Procedure of the Parliament, and that such an alteration of rights acquired under the AVPS could be effected only through an amendment to the Statute.

34 The Parliament disputes the applicants' arguments.

35 In that regard, Article 27 of the Statute, under Title II, entitled 'Transitional provisions', provides as follows:

'1. The voluntary pension fund set up by Parliament shall be maintained after the entry into force of this Statute for Members or former Members who have already acquired rights or future entitlements in that fund.

2. Acquired rights and future entitlements shall be maintained in full. Parliament may lay down criteria and conditions governing the acquisition of new rights or entitlements.

3. Members who receive the salary [introduced by the Statute] may not acquire any new rights or future entitlements in the voluntary pension fund.

4. The fund shall not be open to Members who are first elected to Parliament after this Statute becomes applicable.'

36 The applicants submit, in essence, that the first sentence of Article 27(2) of the Statute precludes a reduction being made to the pension amount of former Members who had acquired their pension rights before the 2023 decision.

37 In the first place, it should be borne in mind that a right is considered to be acquired when the event giving rise to it occurred before the legislative amendment. As regards, in particular, the right to receive a retirement pension, that right is acquired, in principle, at the time when the event giving rise to that right occurs, that is to say, when the pension becomes payable (see judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraphs 124 and 125 and the case-law cited).

38 In the present case, it is common ground that, as the applicants' pension rights had become payable before the adoption of the 2023 decision, they all enjoyed acquired pension rights.

39 In the second place, it must also be borne in mind that there is no principle in EU law under which acquired rights may not be altered or reduced under any circumstances. Thus, it is possible, subject to certain conditions, to alter such rights, following a weighing-up of the interests at issue (judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 89).

40 In the third place, a literal interpretation of the first sentence of Article 27(2) of the Statute does not necessarily lead to the conclusion that the EU legislature intended to 'freeze' the pension amount that a former member could claim (see, by analogy, judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 91). As regards the contextual interpretation of Article 27(2) of the Statute, it should be borne in mind that it is included in the transitional provisions of that statute. Viewed as part of those provisions, that article reflects the EU legislature's wish to establish the relationship between the statutory single pension scheme for Members of the European Parliament and the national schemes as well as the AVPS, whilst ensuring the transition towards the system introduced by the Statute (see, to that effect, judgment of 15 September 2021, *Ashworth and Others* v *Parliament*, T-720/19 to T-725/19, not published, EU:T:2021:580, paragraph 79). As to the purpose of that article, it has been held that the EU legislature's objective was to define the scope *ratione personae* of the AVPS, by upholding the benefits thereof for those Members of Parliament who were already affiliated, unlike Members of Parliament elected for the first time only after the entry into force of the Statute, who could no longer join the scheme (see, to that effect, judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraphs 91 and 92). It cannot, however, be inferred from Article 27(2) of the Statute that the EU legislature intended to establish the substantive terms of the AVPS, including a prohibition of any amendment to the detailed rules of that scheme for the future, including those affecting the pension amount a former Member could claim (see, to that effect, judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraphs 91 and 93).

41 It follows that the first sentence of Article 27(2) of the Statute cannot be interpreted as precluding the reduction of the pension amounts owing to the applicants under the AVPS. Consequently, the applicants may not validly argue that the Bureau exceeded its powers in adopting the 2023 decision on the ground that it infringes the provisions of the Statute.

42 That conclusion cannot be called into question on the basis of the other arguments put forward by the applicants.

43 Thus, first, contrary to what the applicants claim, the fact that, in the cases that gave rise to the judgments referred to in paragraph 40 above, the persons concerned did not have acquired pension rights, but only future pension entitlements, has no bearing on the application, in the present cases, of the General Court's interpretation of the first sentence of Article 27(2) of the Statute, which was upheld by the Court of Justice. That provision treats acquired rights and future entitlements identically and distinguishes them from the new rights referred to in the second sentence of Article 27(2) of that statute. It follows that the interpretation given by the European Union Courts, to the effect that the objective of the first sentence of Article 27(2) of the Statute is to define the scope *ratione personae* of the AVPS, and not to establish the substantive terms thereof, holds true in respect of Members having acquired rights and those having only future entitlements.

44 Secondly, Article 76(1) of implementing measures for the Statute, in its initial version (see paragraph 11 above), to the effect that 'the […] pension paid [under the AVPS] shall continue to be paid …' cannot be interpreted as freezing the pension amount. That provision concerns the conditions under which pensions owing under the AVPS are to be paid. Those conditions thus come within the general powers of the Bureau under Article 25(3) of the Rules of Procedure of the Parliament and can accordingly be amended by it (see, to that effect, judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraphs 73 and 74).

45 Thirdly, the applicants rely on sworn statements of former Members who participated in the negotiation and adoption of the Statute and its implementing measures. They submit that those statements show the authentic interpretation of Article 27 of the Statute and Article 76 of the implementing measures thereof, inasmuch as those provisions guarantee that the pension amounts received or to be received are maintained. The applicants add that most of the Members of Parliament who voted in favour of the Statute were members of the AVPS and that, without such a guarantee, they would not have adopted it.

46 It should be noted at the outset, as observed by the Parliament, that, in the absence of working documents clearly expressing the intention of the drafters of a provision, the EU Courts can base themselves only on the scope of the wording as it is and give it a meaning based on a literal and logical interpretation (see judgment of 20 May 2010, *Commission* v *Violetti and Others*, T-261/09 P, EU:T:2010:215, paragraph 51 and the case-law cited).

47 Moreover, the sworn statements produced by the applicants, in essence, merely reiterate that Article 27 of the Statute and Article 76 of the implementing measures thereof had been designed as a guarantee of protection of the acquired rights of members of the AVPS or a guarantee of the right to receive a pension, including after exhaustion of the Fund, in a context in which the Fund would no longer be substantially financed as from the time of entry into force of the Statute. Such statements are not such as to invalidate the interpretation of the first sentence of Article 27(2) of the Statute, as it results from the judgments referred to in paragraph 40 above, to the effect that that provision does not preclude a reduction in the pension amount owing to the applicants.

48 In the light of all the foregoing, the first part of the sole plea in law must be dismissed as unfounded.

2. Second and fifth parts: unlawfulness of the 2023 decision due to infringement of the principles of legal certainty, protection of acquired rights and the protection of legitimate expectations

49 By the second part of the sole plea in law, the applicants submit that the 2023 decision infringes the principle of legal certainty inasmuch as it adversely affects rights acquired before its adoption. They submit that, even if the 2023 decision could affect acquired rights, the reduction of the rights thereby effected is completely unprecedented in terms of its magnitude. In particular, the 2023 decision affects the essential characteristics of the pension right, namely the amount of that right and the responsibility of the Parliament to ensure payment thereof in the event of exhaustion of the Fund. In their reply, they add that, in their view, the principle of legal certainty was infringed because the 2023 decision did not comprise transitional measures. They submit that, as the Parliament is not insolvent, it could have assumed a higher budgetary cost by providing for a transitional regime.

50 By the fifth part of the sole plea in law, the applicants submit that the regulatory framework applicable to the AVPS, comprising the Statute, the implementing measures thereof and the Bureau's decision of 1 April 2009, was adopted with a view to observing the principle of the protection of legitimate expectations, by upholding acquired pension rights on the basis of the PEAM Rules, including the pension amount. They add that, even if the Parliament did have the 'legal margin' to adopt the 2023 decision, the repeated assurances given by it to the Fund and to the AVPS beneficiaries that pension amounts would be upheld and that it would honour its liability when the Fund assets were exhausted, limited that margin, given the legitimate expectation created.

51 The Parliament disputes the applicants' arguments.

52 In essence, the second and fifth parts comprise two complaints, the first alleging infringement of the principle of protection of acquired rights and the second infringement of the principles of legal certainty and of the protection of legitimate expectations.

(a) First complaint: infringement of the principle of protection of acquired rights

53 According to settled case-law, new laws, which amend the old law, apply, unless otherwise provided, to the future effects of situations which arose under that law. The position is different only in respect of situations originating and becoming definitive under the old law, which create acquired rights (see judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraph 124 and the case-law cited).

54 As regards, in particular, the right to receive a retirement pension, that right is acquired, in principle, when the pension becomes payable (see paragraph 37 above). The principle of the protection of acquired rights does not mean, however, that any amendment to the method for calculating a pension which leads to a reduction in that amount, applied on the basis of legislation adopted after that pension became payable, constitutes an infringement of those acquired rights (judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraph 126).

55 A distinction must be drawn between acquired pension rights and pension amounts. The concept of 'acquired pension rights' refers to the pension rights resulting from the contributions paid on an individual basis by each of the applicants and which form the basis for the calculation of the

retirement pension paid to them under the AVPS. That concept therefore cannot be understood as referring to an alleged right to receive a fixed and immutable pension amount calculated on the basis of the rules in force at the time when the pension is paid (see, by analogy, judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraph 89).

56 It must be borne in mind, in that regard, that there is no principle in EU law that acquired rights may not be altered or reduced under any circumstances. It is possible, subject to certain conditions, to alter such rights, following a weighing-up of the interests at issue (see paragraph 39 above).

57 In view of those factors, the applicants may not validly argue that the fact that the 2023 decision reduced the pension amount payable to the AVPS beneficiaries in itself constitutes an infringement of the principle of protection of acquired rights.

58 The argument concerning the extent of the reduction of the pension amounts effected by the 2023 decision is related to the question of observance of the principle of proportionality and will accordingly be addressed under the third and fourth parts, inasmuch as they allege disproportionate interference with the right to property.

59 It follows that, subject to the examination of the argument concerning the principle of proportionality, the first complaint must be rejected.

(b) Second complaint: infringement of the principles of legal certainty and of the protection of legitimate expectations

60 As regards the alleged infringement of the principle of the protection of legitimate expectations, it should be borne in mind that the right to rely on such a principle extends, as an extension of the principle of legal certainty, to any person whom an institution of the European Union has caused, by giving him or her precise assurances, to entertain justified expectations (see judgment of 16 December 2020, *Council* v *K. Chrysostomides & Co. and Others*, C-597/18 P, C-598/18 P, C-603/18 P and C-604/18 P, EU:C:2020:1028, paragraph 178 and the case-law cited).

61 In whatever form it is given, information which is precise, unconditional and consistent and comes from authorised and reliable sources constitutes assurances capable of giving rise to such expectations. However, a person may not validly plead infringement of the principle of the protection of legitimate expectations where no such assurances have been given. Similarly, if a prudent and alert person can foresee the adoption of an EU measure likely to affect his or her interests, that person cannot plead the principle of protection of legitimate expectations if that measure is adopted (see judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraph 96 and the case-law cited).

62 In the first place, inasmuch as the applicants rely on legitimate expectations under the legislative framework applicable to the AVPS, comprising the Statute, the implementing measures thereof and the Bureau's decision of 1 April 2009, it should be borne in mind that neither the Statute nor the implementing measures thereof provide for the right to maintain a given pension amount as per the rules in force prior to the adoption of the 2023 decision (see paragraphs 41 and 44 above).

63 The applicants further submit that, at the meeting of the Bureau on 1 April 2009, the Parliament had committed to guaranteeing the payment of pensions owing under the AVPS out of its own budget in the event of exhaustion of the Fund. They add that that decision was communicated to all members of the AVPS and that, as from 2009, the Parliament referred to the amount of the actuarial deficit of the Fund in its annual accounts.

64 In that regard, it should be noted that, at its meeting of 1 April 2009, the Bureau not only adopted the decision of the same day reforming the PEAM Rules, but also committed, on behalf of the Parliament, to guarantee 'the right of members of the [AVPS] to the additional pension which could be retained after exhaustion of the Pension Fund'. It also decided that 'equally, any capital remaining in the Fund after all pension entitlements had been honoured would be transferred to the European Parliament'. As observed by the applicants, that commitment was mentioned in a communication of 3 April 2009 sent to members of the AVPS.

65 That commitment sought to guarantee, in the likely event that the pension fund would be exhausted before the payment of all the pension rights accumulated by the members, the acquired pension rights of Members (judgments of 18 October 2011, *Purvis* v *Parliament*, T-439/09, EU:T:2011:600, paragraph 73, and of 13 March 2013, *Inglewood and Others* v *Parliament*, T-229/11 and T-276/11, EU:T:2013:127, paragraph 66).

66 However, in view of its wording and the case-law cited in paragraphs 54 and 55 above, such a commitment by the Parliament to cover the payment of pensions out of its own budget so as to guarantee the protection of AVPS members' acquired rights must not be confused with a commitment by the Parliament to guarantee the payment of pension amounts as defined under the rules applicable before the 2023 decision.

67 Therefore, the applicants may not validly claim that, in adopting the 2023 decision, the Parliament, through its Bureau, failed to adhere to the scope of the commitment undertaken on 1 April 2009 and, on that ground, infringed the principle of the protection of legitimate expectations.

68 In the second place, as regards the measures relied on by the applicants arising from a legitimate expectation that there would be no reduction in the pension amounts payable, first, the opinions of the Parliament Legal Service of 15 February 2005 and 3 December 2018 were withdrawn from the files and accordingly cannot be taken into account.

69 Secondly, the note from the Secretary-General of the Parliament of 24 November 2005 is purely informative and was drawn up for the Members of the Bureau, which submits to Parliament certain proposals concerning the financing of the Fund, following the adoption of the Statute. It is accordingly an internal note which, by definition, is not intended for the beneficiaries of the Fund. Moreover, as observed by the Parliament, that note, which is part of the internal decision-making process, reflects only the position of an administrative service of the Parliament, namely the Secretary-General, and not that of the Bureau, which is the competent body for dealing with amendments to substantive conditions of the AVPS (judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 74). Hence that note cannot be regarded as containing assurances provided by the administration to the beneficiaries of the Fund (see, to that effect, judgment of 26 September 2002, *Borremans and Others* v *Commission*, T-319/00, EU:T:2002:229, paragraph 67). Moreover, the fact that some

applicants were able to have access to that note in their capacity as Members of Parliament does not call that conclusion into question; otherwise, that would amount to conferring on them a form of protection of legitimate expectations specific to them.

70 Thirdly, the letter of 14 April 2016 from the President of the Parliament to the President of the Fund notes the unequivocal commitment of the Parliament 'to accept its legal obligations towards the Fund members'. In the absence of specifics as to the scope of the aforementioned commitments, that letter does not amount to an assurance, within the meaning of the case-law referred to in paragraph 60 above, as to the fact that the pension amounts payable under the AVPS could not be amended.

71 Fourthly, the same holds true for Parliament resolution of 24 October 2018 on the Council position on the draft general budget of the European Union for the financial year 2019 (OJ 2020, C 345, p. 221). By that resolution, the Parliament merely calls upon its Secretary-General and the Bureau to urgently establish a clear plan for 'the Parliament assuming and taking over its obligations and responsibilities for [the AVPS] immediately after the 2019 elections'. It thus contains no assurance that the Parliament would not amend the pension amounts paid out under the AVPS. Moreover, a Parliament resolution, such as that of 24 October 2018, is a document containing statements of a purely political nature which are not in any way binding and cannot give rise to a legitimate expectation that it will be followed (see, to that effect, judgment of 11 July 1985, *Salerno and Others* v *Commission and Council*, 87/77, 130/77, 22/83, 9/84 and 10/84, not published, EU:C:1985:318, paragraph 59, and order of 17 December 2003, *Krikorian and Others* v *Parliament and Others*, T-346/03, EU:T:2003:348, paragraphs 19 and 20).

72 Fifthly, although the statements of the Secretary-General of the Parliament at the meeting of the Bureau on 12 March 2018 are to the effect that, once the Fund has been exhausted, the Parliament should pay the pension owing under the AVPS out of its own budget, those statements provide no assurance as to the amount of those pensions. The Secretary-General's statements of 16 November 2020 before the Parliament's Committee on Budgetary Control clearly refer to the possibility of reducing the pension amounts.

73 It follows that the acts relied on by the applicants are not such as to have given rise to a legitimate expectation that the pension amounts payable under the AVPS could not be reduced.

74 In the third place, the Court finds that the administration has a broad discretion in the reform of the AVPS (see, to that effect, judgment of 13 March 2013, *Inglewood and Others* v *Parliament*, T-229/11 and T-276/11, EU:T:2013:127, paragraph 71). In an area where the administration has such discretion, a mere practice, however common it may be, does not equate to precise, unconditional and consistent information which could actually give rise to a legitimate expectation (see, to that effect and by analogy, judgment of 2 December 2020, *Thunus and Others* v *EIB*, T-247/19, not published, EU:T:2020:577, paragraph 70 and the case-law cited). Consequently, the fact that, until the 2023 decision, amendments to the AVPS made by the Parliament had systematically affected only those beneficiaries of that scheme who were not yet in receipt of their additional pension cannot give rise to a legitimate expectation that future reforms of the scheme could likewise concern only those persons.

75 It is, moreover, apparent from the Parliament's evidence and statements at the hearing that the practice referred to in paragraph 74 above was based on the interpretation prevailing in the Parliament's services as to the scope of acquired pension rights. Those services considered, inter alia, that it was not possible to amend pension amounts owing to former Members who were

already in receipt of their pension, without adversely affecting their acquired rights. However, that fact cannot be equated with an assurance, within the meaning of the case-law referred to in paragraph 61 above, that that interpretation would be maintained for as long as the AVPS remained in force. Thus, as stated by the Parliament at the hearing, those services' interpretation evolved in the light of the decisions handed down by the European Union Courts.

76 In the fourth place, it should be noted that the rules relating to the AVPS were modified a number of times, including in 2009 and 2018, due to the deterioration of the Fund's economic and financial situation. The reforms of 1 April 2009 and 10 December 2018 were disputed by AVPS beneficiaries and were the subject of the cases which gave rise to the judgments of 18 October 2011, *Purvis* v *Parliament* (T-439/09, EU:T:2011:600), and of 13 March 2013, *Inglewood and Others* v *Parliament* (T-229/11 and T-276/11, EU:T:2013:127), and also of 15 September 2021, *Ashworth and Others* v *Parliament* (T-720/19 to T-725/19, not published, EU:T:2021:580), of 15 September 2021, *Arnaoutakis and Others* v *Parliament* (T-240/20 to T-245/20, not published, EU:T:2021:590), of 9 March 2023, *Grossetête* v *Parliament* (C-714/21 P, not published, EU:C:2023:187), and of 9 March 2023, *Galeote and Watson* v *Parliament* (C-715/21 P et C-716/21 P, not published, EU:C:2023:190). It should also be noted that, during the debates that preceded the adoption of the reform of 10 December 2018, the Bureau had noted that that reform would be insufficient. It had called upon the Secretary-General of the Parliament to propose additional measures by the end of 2020, including a freeze or reduction in the updating of pension amounts, and to explore other measures aimed at finding a more long-term solution for the Fund.

77 Consequently, the beneficiaries of the AVPS, such as the applicants, were necessarily aware of the context surrounding the 2023 decision, which was the need to reform the conditions of the AVPS.

78 For all of those reasons, the present complaint must be rejected, inasmuch as it is based on infringement of the principle of the protection of legitimate expectations, without it being necessary to rule on the pleas of inadmissibility put forward by the Parliament in that regard or on the admissibility of the documents relied on by the applicants and annexed to the reply.

79 As regards the alleged infringement of the principle of legal certainty, the applicants submit that the 2023 decision does not contain transitional measures.

80 The Bureau decided that the measures at issue would apply without introducing a transitional scheme on the ground, set out in recital 8 of the 2023 decision, that, in the light of the extremely serious nature of the financing problems and the risk of imminent exhaustion of the liquidities of the Fund, the introduction of such a scheme could seriously jeopardise the envisaged financial effects of those measures. As a result, the 2023 decision was adopted on 12 June 2023, published in the *Official Journal of the European Union* on 29 June 2023 and came into force on 1 July 2023.

81 In that regard, it should be borne in mind that the fundamental requirement of legal certainty, in its various forms, seeks to ensure that situations and legal relationships governed by EU law remain foreseeable (see judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 120 and the case-law cited). The principle of legal certainty requires that EU rules enable those concerned to know precisely the extent of the obligations which are imposed on them, and that those persons must be able to ascertain unequivocally what their rights and obligations are and take steps accordingly (see judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraph 123 and the case-law cited).

82 In proceedings relating to civil service disputes in the European Union, it has been held that officials are not entitled to the maintenance of the Staff Regulations as they existed at the moment of their recruitment and that, although the European Union legislature is free to add at any time to the rules of the Staff Regulations the amendments which it deems consistent with the interest of the service and to adopt, for the future, Staff Regulations provisions which are more unfavourable for the officials concerned, that is, however, subject to the condition that a transitional period be fixed of sufficient duration to prevent the procedures for the payment of pensions acquired being altered in an unexpected manner. The objective such a period is to avoid infringement of legitimate expectations as to the maintenance of such rules (see judgment of 15 September 2021, *Ashworth and Others* v *Parliament*, T-720/19 to T-725/19, not published, EU:T:2021:580, paragraphs 129 and 132 and the case-law cited).

83 Moreover, even if a legitimate expectation did arise in the present case, *quod non*, an overriding public interest may preclude the adoption of transitional measures for situations which arose before the new rules came into force but which are still subject to change. Thus, it is because there is no overriding public interest that the lack of transitional measures protecting the trust that the trader could legitimately have in the EU rules infringes a superior rule of law (see judgment of 15 September 2021, *Ashworth and Others* v *Parliament*, T-720/19 to T-725/19, not published, EU:T:2021:580, paragraph 133 and the case-law cited).

84 In the present case, the measures at issue were planned in the light of the extremely difficult situation of the Fund, the assets of which totalled, as at the end of May 2023, between EUR 43 and 44 million, when the annual pension amounts to be paid averaged between EUR 22 and 23 million until and including 2030. In that context, and in any event, the salvaging of the Fund in the short term required the adoption of measures having immediate effect and could thus constitute an overriding public interest such as to justify not adopting transitional measures.

85 It follows that the present complaint, inasmuch as it alleges infringement of the principle of legal certainty, must be rejected, without it being necessary to rule on the plea of illegality put forward by the Parliament.

86 Consequently, subject to the examination of the arguments relating to infringement of the principle of proportionality, the plea of illegality of the 2023 decision, alleging that it infringes the principles of legal certainty, the protection of acquired rights and the protection of legitimate expectations, must be rejected.

3. Third and fourth parts: unlawfulness of the 2023 decision due to infringement of the right to property

87 By the third part of the sole plea in law, the applicants submit inter alia that, given the size of the reduction of the pension amount it effects, the 2023 decision adversely affects the essence of the right to property. Thus, first, that essence corresponds at least to the incompressible level of 50% of the amount fixed by the case-law relating to Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (OJ 2008 L 283, p. 36). That level was all the more incompressible given that, first, the Parliament did not have the discretion conferred by that directive on the Member States and, second, the Parliament was, in any event, liable for the exhaustion of the Fund, which was forecasted and foreseeable, in particular as from 2009, and was due to occur

in 2024. The applicants infer therefrom that the 2023 decision had the effect of unlawfully neutralising the Parliament's liability. Secondly, the 2023 decision placed a disproportionate share of the Fund deficit reduction on its beneficiaries.

88 By the fourth part of the sole plea in law, the applicants submit inter alia that the 2023 decision is unlawful on the ground that, first, it was not preceded by a weighing-up of the interests at issue and, second, it does not observe the principle of proportionality. In that regard, they submit that, whilst the Fund deficit was forecasted, the Parliament had committed to cover it and there was, in any event, no obligation to maintain an actuarial balance for the Fund; hence the objective of general interest of reducing that deficit exclusively pursued by the 2023 decision is not necessary, legitimate or proportionate. The applicants submit that the Fund's liquidity issues stem from its design and development under the responsibility of the Parliament. They further submit that the rebalancing of the deficit was placed entirely or excessively on the AVPS beneficiaries, contrary to the two-thirds/one-third distribution that had hitherto prevailed. They add that neither the clause relating to the reimbursement of increased contributions nor the precariousness clause is such as to call into question the disproportionate nature of the 2023 decision.

89 The Parliament disputes the applicants' arguments.

(a) Preliminary observations

90 Article 17(1) of the Charter provides:

'Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.'

91 That provision constitutes a rule of law intended to confer rights on individuals (see judgment of 21 May 2019, *Commission* v *Hungary (Usufruct Over agricultural land)*, C-235/17, EU:C:2019:432, paragraph 68 and the case-law cited).

92 Under Article 52(3) of the Charter, in so far as that charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 (ECHR), the meaning and scope of those rights are to be the same as those laid down by that convention. Account must therefore be taken, for the purposes of interpreting Article 17 of the Charter, of the case-law of the European Court of Human Rights relating to Article 1 of Protocol No 1 to the ECHR, which enshrines the right to property as the minimum threshold of protection (see, to that effect, judgment of 21 May 2019, *Commission* v *Hungary (Usufruct Over agricultural land)*, C-235/17, EU:C:2019:432, paragraph 72 and the case-law cited).

93 It has been held previously that, according to the case-law of the European Court of Human Rights, where legislation provides for the automatic payment of a social benefit, it generates a proprietary interest for persons meeting the requirements thereof falling within the ambit of Article 1 of Protocol No 1 to the ECHR. The rights resulting from the payment of contributions to a social security scheme thus constitute rights of property for the purposes of that article (judgment of 13 June 2017, *Florescu and Others*, C-258/14, EU:C:2017:448, paragraph 50) and a reduction in the amount of a retirement pension which is liable to have an effect on the quality of

life of the person concerned constitutes a restriction of that person's right to property (see judgment of 19 September 2024, *Coppo Gavazzi and Others* v *Parliament*, C-725/20 P, EU:C:2024:766, paragraph 104 and the case-law cited).

94 It follows that, in the present case and as acknowledged by the Parliament, the 2023 decision, inasmuch as it leads to a reduction in the applicants' pension amounts, restricts their right to property.

95 It must be remembered, however, that the right to property guaranteed by Article 17 of the Charter is not absolute and that its exercise may be subject to restrictions justified by objectives of general interest pursued by the European Union (judgment of 20 September 2016, *Ledra Advertising and Others* v *Commission and ECB*, C-8/15 P to C-10/15 P, EU:C:2016:701, paragraph 69). Thus, under the first sentence of Article 52(1) of the Charter, any limitation on the exercise of the rights and freedoms recognised by the Charter must be provided for by law and respect the essence of those rights and freedoms. The second sentence of Article 52(1) of the Charter adds that, subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

96 In the present case, the applicants submit, by a first complaint, that the 2023 decision infringes the first sentence of Article 52(1) of the Charter. Although they acknowledge that the adverse effect on the right to property caused by the 2023 decision is provided for by law, they argue that that decision disregards the essence of the right to property.

97 By the second complaint, the applicants submit that, at the very least, the 2023 decision infringes the second sentence of Article 52(1) of the Charter because it gives rise to a disproportionate interference with the right to property.

(b) First complaint: infringement of the essence of the right to property

98 The applicants submit, in essence, that the 2023 decision effects an excessive reduction on the pension amounts, ranging from 60.15% to 70.71%; secondly, that decision also unlawfully neutralises the Parliament's liability; and, thirdly, it places the burden of the Fund deficit reduction disproportionately on its beneficiaries by disregarding the essential rule of distribution of the burden of the scheme that had hitherto prevailed.

99 It should be borne in mind that Article 17(1) of the Charter protects property rights acquired by the applicants by virtue of their contributions to the Fund. However, that provision cannot be interpreted as conferring entitlement to a pension of a particular amount (see, to that effect, judgment of 13 June 2017, *Florescu and Others*, C-258/14, EU:C:2017:448, paragraph 50 and the case-law cited).

100 Thus, in the present case, the applicants' property rights, as enshrined in Article 17(1) of the Charter, consist of a right to receive a pension under the AVPS and not a right to a claim for a given amount. It is clear that, although the 2023 decision reduces the pension amounts owing under that scheme, it does not call into question the very principle of the right to a pension.

101 According to the applicants, however, the reduction of the pension amounts owing under the AVPS resulting from the 2023 decision is so large that the essence of the right to property is affected thereby.

102 In that regard, it should be noted that, according to the Parliament, the assessment of the level of reduction of the pension amounts must, in principle, be carried out in the light of the principle of proportionality and only an extreme reduction of that amount could affect the essence of the right to property.

103 As to the size of the reduction in the pension amounts resulting from the 2023 decision, it should be noted that the applicants produced an expert opinion dated 5 October 2023, drawn up at the request of the Fund by a consulting firm specialising in retirement and social security. According to that opinion, in the light of an actuarial analysis, the 2023 decision would lead to an average reduction of the pension amounts owing under the AVPS of 62.53%, with the reduction rate ranging between 60.15% and 70.71%. If the impact of the increase in retirement age from 65 to 67 years, not disputed in the present case, is neutralised, the cumulative impact of the 50% reduction and ending of updating on the pension amounts averages 61.96%. It should also be noted that the highest reduction rate concerns persons who, unlike the applicants, had not yet acquired pension rights on the date of the 2023 decision.

104 The Parliament submits that the expert opinion has no value for the assessment of the lawfulness of the 2023 decision, although it does not dispute the estimates contained therein or the calculation methods used. At the hearing, the Parliament acknowledged that it did not have estimates for the overall level of the reduction in pension amounts resulting from the two measures at issue.

105 In that context, and in view of the evidence on file, the Court finds that the estimates in the expert opinion produced by the applicants may be deemed to be reasonable.

106 In the first place, the applicants submit that the essence of the fundamental right to property in the area of pensions, as regards a scheme such as the AVPS, should be determined in the light of the minimum level guaranteed by the case-law relating to Article 8 of Directive 2008/94.

107 In that regard, the Court notes that Directive 2008/94 aims to protect employees in the event of the insolvency of their employer. According to Article 1(1) of that directive, the directive is to apply to employees' claims arising from contracts of employment or employment relationships and existing against employers who are in a state of insolvency within the meaning of Article 2(1) of that directive. The first paragraph of Article 3 of that directive requires the Member States to take the measures necessary to ensure that guarantee institutions guarantee payment of employees' outstanding claims. Article 8 of that directive provides that Member States are to ensure that the necessary measures are taken to protect the interests of employees in respect of rights conferring on them immediate entitlement to old-age benefits under supplementary occupational or inter-occupational pension schemes outside the national statutory social security schemes. That provision has been interpreted as requiring, in order to ensure that the minimum level of protection is guaranteed, that a former employee receive, in the event of the insolvency of his or her employer, at least half of the old-age benefits arising out of the accrued pension rights under a supplementary occupational pension scheme (see judgment of 19 December 2019, *Pensions-Sicherungs-Verein*, C-168/18, EU:C:2019:1128, paragraph 41 and the case-law cited).

108 The Court finds, as a preliminary point, that, given its addressees, namely the Member States, and its scope *ratione materiae*, Directive 2008/94 is clearly not applicable in the present case.

109 Moreover, contrary to what the applicants claim, Directive 2008/94 aims not to identify a maximum level of reduction in pension amounts, but rather to introduce, as part of the Member States' obligation to protect employees in the event of an insolvent employer, a system guaranteeing benefits owing under a supplementary pension scheme aimed at covering at least 50% of those benefits.

110 Moreover, as observed by the Parliament, the essence of the fundamental right to property cannot be determined in the light of rules adopted by the European Union legislature and interpreted by the European Union Courts in order to define a harmonised level of protection in the field of labour law. The European Union legislature may decide to adopt rules conferring on the persons intended a level of protection higher than the minimum protection threshold arising from observance of fundamental rights.

111 Therefore, and even if the 50% rate of reduction in the pension amounts owing under the AVPS used as a basis in the 2023 decision, a point disputed by the Parliament at the hearing, was inspired by the case-law relating to Article 8 of Directive 2008/94, that case-law is not such as to establish that a reduction of over 50% would amount to negating the essence of the fundamental right to property in the area of additional pensions.

112 In the second place, the essence of the right to property, which consists of the right to receive a pension, cannot be determined in the light of the distribution, between the Members and the Parliament, of the payment of the contributions to the AVPS, or in the light of the alleged commitment of the Parliament to cover the Fund deficit. Those questions relate to the financing of the AVPS and, therefore, are different from that relating to protection of the right to receive a pension under that scheme.

113 In the third place, the Court finds that, after the entry into force of the 2023 decision, the monthly pension amount totals approximately EUR 900, EUR 1 800 and EUR 2 700 for persons having contributed for 5, 10 and 15 years, respectively. Although those amounts do result from the application of a significant reduction of 50%, they are not negligible in view of the different contribution periods.

114 Thus, in the light of the specific facts of the present case and the case-law to the effect that Article 17(1) of the Charter must not be interpreted as conferring entitlement to a pension of a particular amount (see paragraph 99 above), the applicants have failed to demonstrate that the reduction in the pension amounts owing under the AVPS effected by the 2023 decision, in the proportions referred to in paragraph 103 above, negates the essence of the pension right, thereby adversely affecting the essence of the right to property.

115 It follows that the first complaint must be rejected as unfounded.

(c) Second complaint: disproportionate interference with the right to property

116 The applicants submit that, at the very least, the 2023 decision infringes the second sentence of Article 52(1) of the Charter because it gives rise to a disproportionate interference with the right to property.

117 In that regard, it should be recalled that the principle of proportionality, which is one of the general principles of EU law, requires that acts of the EU institutions be appropriate for attaining the legitimate objectives pursued by the legislation at issue and do not go beyond what is necessary

in order to achieve those objectives; when there is a choice between several appropriate measures, recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued (see judgment of 16 February 2022, *Hungary* v *Parliament and Council*, C-156/21, EU:C:2022:97, paragraph 340 and the case-law cited).

118 As regards the judicial review of observance of the conditions referred to in paragraph 117 above, it has been held previously that, given the Parliament's broad discretion in the reform of the AVPS, it was only if an adopted measure was manifestly inappropriate, having regard to the objective which the Parliament was required to pursue, that its lawfulness could be affected (see, to that effect, judgments of 13 March 2013, *Inglewood and Others* v *Parliament*, T-229/11 and T-276/11, EU:T:2013:127, paragraph 71, and of 15 September 2021, *Ashworth and Others* v *Parliament*, T-720/19 to T-725/19, not published, EU:T:2021:580, paragraph 97).

119 Thus, the criterion to be applied is not whether the measures adopted by the 2023 decision were the only or the best possible measures, but rather whether they were manifestly inappropriate having regard to the objective which the Parliament was seeking to pursue (see, to that effect, judgment of 3 December 2019, *Czech Republic* v *Parliament and Council*, C-482/17, EU:C:2019:1035, paragraph 77 and the case-law cited).

120 In order to determine whether the 2023 decision observes the principle of proportionality, it is appropriate to examine, first, whether the measures at issue pursue legitimate objectives; secondly, whether those measures are suitable for attaining those objectives; thirdly, whether they do not go beyond what is necessary to attain those objectives; and, fourthly, whether they are proportionate having regard to those objectives inasmuch as they result from the right balance between the different interests involved.

(1) The question whether there are legitimate objectives

121 Although the applicants acknowledge that the 2023 decision pursues an objective of general interest, they dispute the legitimacy of that objective.

122 It is apparent from recitals 1, 2 and 6 of the 2023 decision that the measures taken were intended, given the 'extremely difficult' financial situation of the Fund, including its 'extremely serious' liquidity issues and its actuarial deficit, to safeguard the Fund in the short term, in the interest of all current and future beneficiaries of the AVPS, and avoiding or, at least, reducing the negative consequences thereof for the European taxpayer.

123 In that regard, it should be remembered that, as the Fund is responsible for paying the supplementary pension to former Members (see paragraph 9 above), safeguarding it, even in the short term, constitutes a legitimate objective.

124 It should also be borne in mind that the AVPS was initially based on an actuarial calculation, under which all of the members' and the Parliament's annual contributions were, in principle, to cover all pension rights acquired in the same year, with the member paying one-third and the Parliament paying two-thirds (see paragraph 8 above). It is true that the principle of financial equilibrium of the Fund was adversely affected by the entry into force of the Statute and the implementing measures thereof, since the financing of the Fund through contributions had stopped, save for exceptions. The fact remains that, whereas the Parliament had already contributed two-thirds of the financing of the AVPS, even partial coverage by the Parliament of an actuarial deficit is liable to increase the financial burden for the European taxpayer occasioned

by that scheme. The reduction of the negative consequences arising from the Fund deficit for the European taxpayer constitutes a legitimate objective (see, by analogy, judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 112).

125 Hence, the objectives pursued by the 2023 decision were legitimate and reflected the Parliament's concerns about the liquidity issues affecting the Fund and the size of its actuarial deficit (see, to that effect and by analogy, judgment of 15 September 2021, *Ashworth and Others* v *Parliament*, T-720/19 to T-725/19, not published, EU:T:2021:580, paragraph 100).

126 The legitimacy of the objectives pursued by the 2023 decision is not called into question by the applicants' arguments to the effect that the Parliament sought to eschew its liability.

127 First, the applicants may not validly claim that the 2023 decision disregards the scope of the commitment undertaken on 1 April 2009 (see paragraph 67 above).

128 Second, the applicants argue that the Parliament is liable for the Fund's financial situation, on the ground that it has not provided for an actuarial rebalancing mechanism or adopted measures aimed at compensating for the cessation, in principle, of the financing of the Fund through contributions following the entry into force of the Statute.

129 Admittedly, it is apparent from the evidence on file, including the minutes of Bureau meetings, that, whilst the Fund's financing problems were established, in particular after the adoption of the Statute and the financial crisis of 2007/2008, only measures the inadequacy of which has been highlighted had been adopted. However, any liability of the Parliament for the deterioration of the Fund's financial situation due to the failure to adopt adequate rebalancing measures, is not such as to preclude it from acting in order to reduce public expenditure and safeguard the Fund or make those objectives illegitimate.

130 Consequently, the applicants may not validly call into question the legitimacy of the interests underlying the 2023 decision.

(2) The question whether the measures are suitable for attaining the objectives pursued

131 It should be borne in mind that the objectives pursued by the 2023 decision are the safeguarding of the Fund in the short term and limiting the impact of its deficit for European taxpayers.

132 Moreover, according to the terms of the 2023 decision, at the end of 2022 the Fund's assets totalled EUR 52.8 million, whilst the pension amounts to be paid out ranged between EUR 22 and 23 million per year up to and including 2030. Consequently, the 2023 decision indicates that the Fund could be exhausted in 2024 and that it would inevitably be so in 2025, leaving an unfinanced actuarial deficit of approximately EUR 310 million. Those figures, which are not disputed, are confirmed by the annual accounts established as at 31 December 2022.

133 According to the 2023 decision, the 50% reduction in pension amounts and the end of their updating are to enable savings of EUR 181.4 million and EUR 40.4 million respectively to be achieved. The Fund's liabilities were thus expected to go down from EUR 362.7 million to EUR 139 million. When combined with the savings of EUR 2 million resulting from raising the retirement age, those measures were expected to lead to the extension of the lifespan of the Fund by two or three years and reducing its actuarial deficit from EUR 310 million to EUR 86 million.

134 It should also be borne in mind that the Bureau decided that the measures at issue would apply without introducing a transitional scheme on the ground that, given the seriousness of the AVPS's financing issues and the risk of imminent exhaustion of the Fund's liquidity, the introduction of such a scheme would risk seriously compromising the intended financial effects of those measures.

135 Moreover, at the hearing, it was found that the 2023 decision actually extended the lifespan of the Fund, the assets of which would, according to the Parliament, be exhausted by December 2026.

136 It is apparent from the foregoing that the measures adopted by the 2023 decision are clearly suitable for attaining the objectives pursued.

(3) Whether the measures were necessary and proportionate

137 The applicants submit, in essence, that the 2023 decision adversely affected the right to property in a manner that was unnecessary and not resulting from a weighing-up of the different interests involved.

138 It is accordingly appropriate to ascertain whether the Parliament, through its Bureau, limited the interference with the right to property of the beneficiaries of the AVPS, such as the applicants, to what was strictly necessary, in that the objectives pursued could not reasonably be attained as effectively through other means less prejudicial to that right, and whether it struck a fair balance between the requirements of the general interest pursued and those beneficiaries' right to property. The following factors should be borne in mind for the purposes of that examination.

139 First, it is apparent from recitals 2 and 6 of the 2023 decision that the Bureau contemplated various possible solutions and various measures aimed at addressing the Fund's liquidity problems and reducing its actuarial deficit, including 'less intrusive' measures than those which were adopted. Those alternative measures were rejected, however, on the ground that they were inadequate in the light of the magnitude of the Fund's financial difficulties.

140 It is apparent from the minutes of the Bureau meetings of 17 April and 22 May 2023 and from the notes of the Secretary-General of the Parliament that served as a basis for the Bureau's exchanges that a number of options were initially envisaged which were ultimately reduced to two, being the option that was chosen in the 2023 decision and another one consisting in reducing the pension amounts by 50% without amending the other parameters of the scheme. The risks associated with each option, and also the impact of each one on the actuarial deficit and the lifespan of the Fund were assessed and the Bureau weighed in favour of 'the most ambitious' option.

141 In that regard, it should be noted that the 2023 decision does not eliminate the Fund's actuarial deficit entirely but it does lead to a substantial reduction in that deficit, from EUR 310 million to EUR 86 million. In response to questions put at the hearing, the Parliament stated, in essence, that the objective of the reform of the AVPS was to achieve a substantial reduction in the amount of the deficit, although without specifying a particular amount to be achieved. It added that the level of reduction of that deficit had been determined having regard, in particular, to a rate of reduction of the pension amounts it had considered to be acceptable in view of the Court of Justice's case-law.

142 Secondly, recital 6 of the 2023 decision states that the Bureau also took into account the ratio of the total amount of the pension payments received individually under the AVPS compared to the total individual contributions of beneficiaries. Thus, on average, for each Euro invested in the Fund, those beneficiaries received EUR 4.7, an amount that rose to EUR 14.3 for 16% of them.

143 In that regard, it should be borne in mind that, until 30 June 2023, for each year in office for which contributions were made, the pension amount totalled 3.5% of a base corresponding to 40% of the basic salary of a Judge at the Court of Justice of the European Union, with a minimum pension fixed at 10.5% of that base and a maximum pension at 70% of that base. It is apparent from the note of 12 April 2023 from the Secretary-General of the Parliament that, after that base had been updated in 2022, the monthly pension amount totalled approximately EUR 1 700, EUR 3 400 and EUR 5 100 for persons having contributed for 5, 10 and 15 years, respectively.

144 Thirdly, it is apparent from the note of 12 May 2023 from the Secretary-General of the Parliament that the measures at issue were envisaged together with the possibility offered to members to lodge an application to withdraw from the AVPS and to receive the additional pension in the form of a one-off lump sum final payment. That possibility, which already existed for members of the AVPS who were not yet retired, was extended to all members and provision was made for the abovementioned lump sum payment to equate, in essence, to the difference between the total individual contributions paid by the Member or former Member, plus 20%, and the pension amounts already received. That measure forms part of a context in which the reduction in pension amounts provided for by the 2023 decision naturally has a greater impact on persons not yet in receipt of a pension or who began receiving their pension shortly before the adoption of the 2023 decision. Recital 7 of that decision states, in essence, that they might prefer to exit from the scheme in view of the amendments made and the uncertainty surrounding the future of the Fund.

145 Fourthly, the 2023 decision contains an 'unforeseeability clause', also known as the 'precariousness clause' or 'hardship clause', under which the beneficiary may submit an application for an increase of pension if he or she demonstrates that, following the reduction of the pension amount owing under the AVPS, he or she would have to live below the at-risk-of-poverty threshold.

146 In the light of all the foregoing considerations, the Court finds the following.

147 In the first place, as regards the very existence of a weighing-up of the different interests involved, it is apparent from recital 6 of the 2023 decision that the measures at issue were identified taking account inter alia of the interests of current and future beneficiaries of the AVPS, and that other measures less intrusive of the AVPS beneficiaries' right to property were envisaged. Moreover, the 2023 decision does not eliminate the Fund's actuarial deficit. It maintains the burden of part of that deficit on the Parliament's budget and, accordingly, the European taxpayer.

148 It follows that the 2023 decision necessarily is the result of a weighing-up of the interests involved, namely, on the one hand, the interests of beneficiaries of the AVPS and, on the other, those of European taxpayers. Hence, the applicants may not validly claim that the Parliament completely and utterly failed to weigh up the interests involved other than budgetary ones.

149 In the second place, as regards the outcome of the balancing of the different interests involved, it is clear that the measures at issue entail substantial financial consequences for the applicants. In fact, they reduce substantially the pension amounts they received under the AVPS until 30 June 2023. That reduction is also sudden in the absence of a transitional scheme.

150 In that regard, first, the Court takes the view that the fact that the AVPS is an optional supplementary pension scheme is an important factor in its assessment of the proportionality of the measures at issue. Since joining the AVPS is not compulsory, only some of the former Members of the Parliament receive a pension under that scheme. It should also be borne in mind that the pension owing under the AVPS is not the only pension received for the years during which the applicants contributed to that scheme. For those years, they receive, under Annex III to the PEAM Rules (see paragraph 7 above), a pension paid either by the Member States and supplemented, if necessary, by the Parliament, or by the Parliament. Moreover, the applicants who were re-elected as from the seventh parliamentary term (2009 to 2014) also receive a statutory pension from the Parliament.

151 In that context, even a substantial a reduction of an additional pension does not have the same scope, in terms of adverse effect on the right to property, as a reduction in basic pension, which is the replacement income that is supposed to provide the beneficiary thereof with a livelihood and may turn out to be the only pension received by that person.

152 Secondly, as observed by the Parliament, the rate of reduction of the pension amounts may be held up against the profitability of the investment resulting from the payment of contributions by the members, namely an average profitability rate of EUR 4.7 for every euro invested (see paragraph 142 above). Moreover, the possibility of receiving the pension owing under the AVPS in the form of a one-off final lump sum, if activated, guarantees that members recover at least an amount equivalent to the contributions they have paid in, plus 20%. It should also be borne in mind that the 2023 decision does not have the effect of reducing the nominal pension amounts to a manifestly unreasonable level, in view of the duration of the term of office and the contribution amounts paid.

153 The consequences of the measures at issue on the applicants' right to property were weighed up against the budgetary constraints and the need, highlighted several times in the preparatory works for various AVPS reforms, including the 2023 decision, to adopt a responsible decision in the light of the EU finances.

154 In that regard, first of all, it should be borne in mind that the Fund's difficulties are the consequence inter alia of the financial crises of 2002 and 2007/2008. According to the information confirmed by the Parliament at the hearing, at the end of the latter crisis, the Fund recorded a loss of EUR 60 million. As stated by the Secretary-General of the Parliament in the note of 12 April 2023, several national pension schemes, including basic pension schemes, had to be reformed following that crisis. It should also be noted that many Member States were led to adopt legislative reforms having the effect of reducing the pension amounts payable in order to safeguard or re-establish the financial equilibrium of the scheme in question, or even their general budget. Such a finding necessarily carries weight in a society in which solidarity prevails, as stated in Article 2 TEU (judgment of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraph 71) and in a context in which the AVPS had already been two-thirds financed by the Parliament and thus by the European taxpayer (see paragraph 124 above).

155 It should also be noted that, admittedly, the scale for financing AVPS contributions could have been used for determining the share of the deficit to be borne by the Parliament budget. However, the Parliament had broad discretion (see paragraph 118 above). Thus, it was free to determine, subject to observance of the principle of proportionality, that a different scale would be used to cover the Fund's actuarial deficit.

156 In the light of all the foregoing, the Court finds that, despite their substantial impact on the AVPS beneficiaries' right to property, the measures at issue in the 2023 decision are not the result of a manifestly inappropriate arbitrage between the interests of those beneficiaries and the budgetary interests involved.

157 In the light of the foregoing, the second complaint must be rejected, as must therefore the plea of illegality of the 2023 decision, alleging that it infringes the right to property.

4. Third and fourth parts: unlawfulness of the 2023 decision due to infringement of the principles of safeguarding Parliamentary independence and equal treatment

158 The applicants submit that the Parliament failed to assess the impact of the reduction of pension amounts owing under the AVPS effected by the 2023 decision on the general principle of safeguarding Parliamentary independence, which includes financial independence, and on the principle of equal treatment. In their submission, those principles were infringed, given the size of the reduction and in the absence of similar measures relating to the statutory pension.

159 The Parliament disputes the applicants' arguments.

(a) The complaint alleging infringement of the principle of safeguarding Parliamentary independence

160 The guarantee of independence, including financial independence, of the Members who, as representatives of the people, are meant to act in the general interest of the people, constitutes a general principle inherent in any system of democratic parliamentary representation (see judgment of 7 March 2018, *Gollnisch* v *Parliament*, T-624/16, not published, EU:T:2018:121, paragraph 45 and the case-law cited). The guarantee of an appropriate salary, thus safeguarding the independence of Members, cannot be limited merely to the Member's term of office. It must inter alia provide for a pension which is determined by the period of time for which the individual in question has been a Member of the Parliament (judgment of 18 October 2011, *Purvis* v *Parliament*, T-439/09, EU:T:2011:600, paragraph 59). Thus, inasmuch as it aims to ensure minimum cover, in particular for Members from Member States in which the pension scheme provided for Members is insufficient, the AVPS forms part of the legal provisions pursuing the objective of general interest that is ensuring the financial independence of Members (see, to that effect, judgment of 18 October 2011, *Purvis* v *Parliament*, T-439/09, EU:T:2011:600, paragraphs 59 and 60).

161 In the present case, in the first place, the applicants submit that, prior to the adoption of the 2023 decision, the Parliament failed to examine whether the reduction in pension amounts adversely affected the general principle of safeguarding Parliamentary independence.

162 It should be borne in mind that recital 6 of the 2023 decision states that the measures it entails were identified taking account inter alia of the interests of the current and future beneficiaries of the AVPS. That same recital states that 'less intrusive' measures were considered but rejected as insufficient. It should also be remembered that the 2023 decision provides for the possibility of increasing the pension of former Members who, following the reduction in pension amounts owing under the AVPS, find themselves in a situation of hardship, and for the possibility for them to lodge an application to withdraw from the AVPS and to receive the additional pension in the form of a one-off lump sum final payment.

163 In that context, the fact that the 2023 decision does not refer explicitly to safeguarding Parliamentary independence does not mean that the Parliament did not take account thereof through the broader concept of 'interests of the AVPS beneficiaries'.

164 In the second place, the applicants submit, in essence, that the grant of a sufficient pension is aimed at preventing any influence over Members in the exercise of their mandate and that that objective was infringed because the size of the reduction in pension amount has the effect of bringing it down to an insufficient level. They argue that the Parliament made no similar reduction in the statutory pension amount, but that the 2023 decision, in recognising that such a reduction is permitted, clears the way for that to occur.

165 The applicants have failed to show how the reduction in pension amounts effected by the 2023 decision leads to the grant of an insufficient pension, with the result that it gives rise to an infringement of the principle of safeguarding Parliamentary independence. In that regard, it should be borne in mind that the pension acquired under the AVPS is an additional pension added to the pension paid either by the Member States and supplemented, if necessary, by the Parliament, or by the Parliament, under Annex III to the PEAM Rules (see paragraph 7 above) and that joining that scheme was not compulsory.

166 Nor is the fact that the Parliament did not adopt any similar measures reducing the statutory pension capable of establishing that the 2023 decision infringes the principle of safeguarding Parliamentary independence.

167 Consequently, the present complaint must be rejected, without it being necessary to rule on the plea of inadmissibility put forward by the Parliament.

(b) The complaint alleging infringement of the principle of equal treatment

168 There is an infringement of the principle of equal treatment where two classes of persons whose factual and legal situations are not essentially different are treated differently or where different situations are treated in an identical manner (judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 102).

169 In the present case, the applicants submit, in essence, that the fact that the 2023 decision effects a substantial reduction in the pension amounts owing under the AVPS in order to provide relief for the Parliament's budget and, therefore, to protect European taxpayers, when no similar measure was taken in respect of the statutory pension, demonstrates an infringement of the principle of equal treatment which was not examined before the adoption of that decision.

170 Thus, as the applicants themselves observe, the Court has held previously that, given the difference between the statutory pension scheme and the AVPS, the former being compulsory and exclusively funded by the EU budget, unlike the latter, the existence of differences between them does not in itself give rise to an infringement of the principle of equal treatment, irrespective of any similarities there may be between those two pension schemes (see, to that effect, judgment of 9 March 2023, *Grossetête* v *Parliament*, C-714/21 P, not published, EU:C:2023:187, paragraph 105). Contrary to what the applicants claim, the fact that that assessment was carried out by the Court of Justice as part of its examination of the lawfulness of the decision of 10 December 2018 referred to in paragraph 76 above, which concerned only

pensions not yet payable on the date it entered into force, does not make it inapplicable to the present case, as it is based on general differences between the AVPS and the statutory pension scheme.

171 Consequently, the present complaint must be rejected, without it being necessary to rule on the plea of inadmissibility put forward by the Parliament.

172 It follows that the plea of illegality of the 2023 decision, alleging infringement of the principles of safeguarding Parliamentary independence and equal treatment, must be rejected.

173 In the light of all the foregoing, the actions must be dismissed.

IV. Costs

174 Under Article 134(1) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings.

175 Since the applicants have been unsuccessful, they must be ordered to pay the costs incurred by the Parliament, in accordance with the form of order sought by it.

On those grounds,

THE GENERAL COURT (Second Chamber, Extended Composition)

hereby:

1. Dismisses the actions;

2. Orders Mr Enrique Barón Crespo and the other applicants whose names appear in the annex to pay the costs.

Marcoulli Schwarcz Madise

Valasidis Spangsberg Grønfeldt

Delivered in open court in Luxembourg on 17 December 2025.

[Signatures]